



Docket No.: 1657.1003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Terry SCHMIDT et al.

Group Art Unit: 2877

Serial No. 10/059,291

Examiner: Layla Lauchman

Filed: January 31, 2002

For: VISIBLE LIGHT SENSOR MECHANISM FOR CONSTANT BRIGHTNESS PROJECTION SYSTEMS

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner provided a Statement of Reasons for Allowance in which the Examiner indicated that some of the claims were allowed based on certain features.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

With respect to the claims, the Examiner has provided a comment emphasizing a portion of the claim. It is submitted that the use of such emphasis in the reasons for allowance is improper in that it provides certain emphasis which might "place unwarranted interpretations, whether broad or narrow, upon the claims" (M.P.E.P. §1302.14).

It is submitted that the claims are not constrained by such improper comments and statements, and that the claims speak for themselves as to what features are included therein.

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In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

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